

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DIRECTV, LLC	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:15-cv-02563-MHC
	)	
MK HOSPITALITY, INC., et al.,	)	
	)	
Defendants.	)	
_____	)	

**AMENDED MOTION TO WITHDRAW AS COUNSEL OF RECORD**  
**WITHOUT SUBSTITUTION**

COMES NOW, Austin Asbury, Alex Mayfield, and the law firm of Austin Asbury LLC D/B/A Asbury Legal, LLC and requests this Court to allow them to withdraw as Attorneys of Record for Defendants MK Hospitality, Inc. and Luz Rios. The withdrawal shall apply to the above referenced case pursuant to Rule 83.1 of the Local Rules of the United States District Court for the Northern District of Georgia.

*Whereas* Counsel for Defendants MK Hospitality, Inc. and Luz Rios have had 14 days prior notice of the attorney's intention to request permission to withdraw. *Whereas* notice has be served upon the client personally or at that client's last known address, and the notice contained the following information:

- (A) That the attorney wishes to withdraw;
- (B) The style of the action in which counsel seeks to withdraw, the name, address and telephone number of the Clerk and opposing counsel;
- (C) That the Court retains jurisdiction of the action;
- (D) That the client has the burden of keeping the court informed respecting where notices, pleadings or other papers may be served;

(E) That the client has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;

(F) That if the client fails or refuses to meet these burdens, the client may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;

(G) The dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;

(H) That service of notices may be made upon the client at the client's last known address, and,

(I) If the client is a corporation, that a corporation may only be represented in court by an attorney, that an attorney must sign all pleadings submitted to the court, and that a corporate officer may not represent the corporation in court unless that officer is also an attorney licensed to practice law in the state of Georgia, and that failure to comply with this rule could result in a default being entered against the corporate party; and

(J) Unless the withdrawal is with the client's consent, the client's right to object within fourteen (14) days of the date of the notice. A copy of the notice shall be affixed to the motion.

/s/ Austin Asbury

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*Counsel for Defendants MK Hospitality, Inc. and Luz Rios*

Austin Asbury (Ga Bar No. 122459)

Asbury Legal, LLC

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Marietta, GA 30060

[aasbury@asburylegal.com](mailto:aasbury@asburylegal.com)

(678)-829-6259

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_____	)	

**AFFADAVIT OF DEFENDANT LUZ RIOS IN SUPPORT OF DEFENSE**  
**COUNSEL'S MOTION TO WITHDRAW AS COUNSEL OF RECORD**  
**WITHOUT SUBSTITUTION**

COMES NOW, Defendant Luz Rios, both personally and on behalf of Defendant MK Hospitality, Inc., and acknowledges and asserts the truth of the following:

LR (A) That Austin Asbury, Alex Mayfield, and Austin Asbury LLC D/B/A Asbury Legal, LLC wish to withdraw from my case.

LR (B) The style of the action in which counsel seeks to withdraw is listed above. I have been provided with the address and telephone number of the Clerk and opposing counsel;

LR (C) This Court retains jurisdiction of the action;

LR (D) That MK Hospitality Inc., and myself (Luz Rios) each have the burden of keeping the court informed respecting where notices, pleadings or other papers may be served;

LR (E) That MK Hospitality Inc., and Luz Rios each the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;

LR (F) That if MK Hospitality Inc., and myself (Luz Rios) each fails or refuses to meet these burdens, they may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;

LR (G) That MK Hospitality Inc., and myself (Luz Rios) each have a continuing responsibility to monitor dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;

LR (H) That service of notices may be made upon MK Hospitality Inc., and Luz Rios at the last known address of each;

LR (I) If a Georgia civil litigant is a corporation, like **MK Hospitality Inc.**, that a corporation may only be represented in court by an attorney, that at attorney must sign all pleadings submitted to the court, and that a corporate officer may not represent the corporation in court unless that officer is also an attorney licensed to practice law in the state of Georgia, and that failure to comply with this rule could result in a default being entered against the corporate party; and

LR (J) This withdrawal is with my consent, although I realize that as the client I have the right to object within fourteen (14) days of the date of the notice. A copy of the notice shall be affixed to the motion.

LR (K) That I am currently unable to fulfill my obligations to the above listed firm, and that I do not anticipate hiring a different firm in the near future.

I, Luz Rios, certify under penalty of perjury that the aforementioned statements are true and accurate. Signed this 21 day of December.

Luz Rios  
Luz Rios  
Defendant

MK Hospitality, Inc.  
MK Hospitality, Inc.  
Defendant

Catherine Gonzalez  
NOTARY PUBLIC

[Signature]  
Witness





Luz Rios  
P.O. Box 2171  
Kennesaw, GA 30156



CC:

MK Hospitality, Inc.  
3939 ROYAL DR, KENNESAW, GA, 30144, USA

December 1<sup>st</sup> 2016

Dear Jenny,

As we discussed, our firm is going to have to withdraw from your Federal court case against Directv. Specifically, this is case no. 1:15-cv-02563-MHC, Directv, LLC v. MK Hospitality Inc., et. Al. This is in the United States District Court Northern District of Georgia, Atlanta Division. Please note that the Court retains jurisdiction over the above listed action. The clerk of court is in the Richard B. Russell Federal Building at 2211 United States Courthouse 75 Ted Turner Drive, SW Atlanta, GA 30303-3309. Opposing Counsel is Yarmuth Wildson PLLC. They may be reached at 1420 Fifth Avenue, Suite 1400 in Seattle Washington 98101. You the client now have the burden of keeping the court informed respecting where notices, pleadings or other papers may be served. You have the obligation, both personally and on behalf of MK Hospitality, Inc., to prepare for trial or hire other counsel to prepare for trial when the trial date has been set. Note that MK Hospitality Inc. must seek new counsel or suffer an adverse judgment. If you fail or refuse to meet these burdens, you may suffer adverse consequences. This includes, in criminal cases, bond forfeiture and arrest;

We are filing an extremely basic response to the Plaintiff's motion for summary judgment on the 21<sup>st</sup>. We suggest that you immediately hire another law office if you want to amend or expand upon that filing. Please be aware of all relevant court dates going forward. This includes trial. The holding of such proceedings will not be affected by the withdrawal of our office as counsel. Note that service of notices may be made upon you at your last known address.

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MK Hospitality is a corporation. Note that a corporation may only be represented in court by an attorney, that an attorney must sign all pleadings submitted to the court, and that a corporate officer may not represent the corporation in court unless that officer is also an attorney licensed to practice law in the state of Georgia. Failure to comply with this rule could result in a default being entered against the corporate party.

Thank you for giving your consent. We wish you luck on your case. Note that you have the right to revoke that consent within 14 days.

A handwritten signature in black ink, appearing to read 'Austin Asbury', is written over a horizontal line.

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Defendants.	)	
_____	)	

**CERTIFICATE OF SERVICE, FONT AND MARGINS**

I hereby certify that on December 21<sup>st</sup> 2016 I electronically filed the foregoing Amended Motion to Withdraw as Counsel of Record Without Substitution with the clerk of court using the CM/ECF system and served a true and correct copy of the same on all known parties via First-Class Mail, postage prepaid.

Jenny Luz Rios  
1219 Gates Mill Drive NW  
Kennesaw, GA 30144

Jenny Luz Rios  
P.O. Box 2171  
Kennesaw, GA 30156

MK Hospitality Inc.  
3939 ROYAL DR, KENNESAW, GA, 30144.

\_\_\_\_\_/s/ Austin Asbury\_\_\_\_\_  
*Counsel for Defendants MK Hospitality, Inc. and Luz Rios*  
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244 Roswell Street Suite 800  
Marietta, GA 30060  
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